



UNITED LABORATORIES, INC.,	}	IPC No. 14-2014-00070
Opposer,	}	Opposition to:
	}	
- versus -	}	Application No. 4-2013-00502171
	}	Date Filed: 07 August 2013
FRIESLAND BRANDS B. V.,	}	
Respondent-Applicant.	}	Trademark: HYVITAL
x-----x	x	Order No. 2014 - <u>79</u> (D)

ORDER

UNITED LABORATORIES, INC. ("Opposer") filed on 26 May 2014 a Motion to Withdraw praying that the instant opposition be withdrawn as a result of the amendment of the Respondent-Applicant's trademark application. The motion states, among other things, that:

"3. On May 26, 2014, Opposer and Respondent-Applicant filed a Joint Manifestation informing this Honorable Office that Respondent-Applicant has filed a Request for Amendment with the Bureau of Trademarks to amend the specification of goods covered by Trademark Application No. 4-2013-00502171 in class 5 to "food for babies" in order to be consistent with the said Decision No. 2011-87, which allows Respondent-Applicant to use the mark HYVITAL only for "food for babies" in International Class 5. x x x


"4. As a result of such amendment, Opposer is no longer interested to pursue the present opposition case and is voluntarily withdrawing its Verified Notice of Opposition filed on February 12, 2014 against the application for registration of the trademark HYVITAL covered by Trademark Application No. 4-2013-00502171 in the name of Respondent-Applicant."

With the voluntary withdrawal by the Opposer of its opposition to the subject trademark application, there is no more factual or legal basis to proceed with this case.

WHEREFORE, premises considered, the instant case is hereby **DISMISSED**. Let the filewrapper Trademark Application No. 4-2013-00502171 be returned, together with a copy of this Order and the Opposer's Motion, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 28 May 2014.


Atty. NATHANIEL S. AREVALO
Director IV, Bureau of Legal Affairs

Copy furnished:

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